

MEETING SUMMARY REPORT
Charlotte Chamber of Commerce
330 S. Tryon Street
Charlotte, NC 28202
September 20, 2005

Regulatory Enforcement Fairness Hearing

Total attendance:	45	
Congressional attendance	03	
RegFair Board in attendance	02	
SBA personnel	10	
Agencies attending	10	(IRS TAS; IRS; US Dept of Labor-D.C.; US Dept of Labor – NC; US DOL Wage & Hour; USDA Food Safety; EEOC; US Dept of Labor OSHA; Taxpayer Advocate’s Office IRS; HLS CBP; US Customs & Border Patrol; TSA)
No. of comments	06	

Small Business Organizations	Point of Contact	Membership
BIG Council	Terry Cox	450
BEFCO Certified Dev. Corp.	Fred Miller	4
Carolinas Association of General Contractors	Allen Grey	3,100
City of Charlotte – Small Business Dept.	Gail Whitcomb	500
Charlotte Chamber of Commerce	Steve Partridge	4,000
Charlotte Mecklenburg School System	ChiQuitha Lloyd	15,000
Mecklenburg County MW/SBE	Teresa McDow	25
Metrolina Council of Governments	Laura Mundell	42
SCORE	Dick Welch	200
Small Business & Tech. Dev. Center	George McAllister	75
Small Business Information Center	Craig Cole	2

Summary:

Testifiers:

1. Michael Vuncannon - Douglas Kohoutek, Ltd.

SBA - Mr. Vuncannon DBA as Douglas Kohoutek, Ltd acquired an interest in a Limited Partnership which owned an apartment complex. He alleges that the SBIC (Fidelity Capital), at the direction of SBA, took certain corporate actions to prevent Mr. Vuncannon from receiving his fair share of the liquidation.

2. Kate Crawford – North Carolina Association of Mortgage Brokers – (Read into testimony by Regfair Board Member Bruce McCrory)

HUD - Real Estate Settlement Procedures Act (RESPA)

HUD's Proposed rule to simplify the mortgage lending process has created uncertainty in the eyes of the industry and consumer. Plus HUD's new forms will disadvantage all mortgage brokers who have to compete with the large banks, credit unions and mortgage bankers.

HUD is proposing that mortgage brokers only give their profit to the borrower. The banks, credit unions, mortgage bankers, insurance companies, savings and loans and finance companies do not have to disclose their profit nor give it to the borrower.

3. Harald Ibele - AirSign, LLC and other similar business.

TSA - AirSign has been involved in Aerial Advertising, the towing of advertising messages behind an airplane since 1996. AirSign has averaged yearly revenues in excess of \$250,000. On more than one occasion, sporting events (NFL Carolina Panthers, NASCAR) have either objected to certain advertising being towed, requested a financial cut or relayed via Air Traffic Control that the aircraft is not welcome in their airspace and to move out further.

Uncoordinated efforts have been underway on behalf of MLB, NCAA, NFL and others to ban aerial advertising in "their" airspace. A special flight restriction ruling to this effect was fought throughout 2000 but coincidentally nevertheless took effect on September 11, 2001 — independent from the events simultaneously transpiring in NYC. The passage of this regulation enabled flight restrictions to take effect which virtually eliminated his revenue and caused him to close up his business.

4. Jay Howell, President - Deep Reflections Products & Services

SBA – Mr. Howell, the head of this 8(a) certified firm, would like SBA to review the \$3 million cap for 8(a) sole source awards to be increased. Currently, if a requirement is \$3 million or over, it must be offered for competition. Because of the changes in the economy over the past several years, many requirements are over \$3 million.

He would also like the requirements for Alaskan Native Corporations (ANCs) reviewed and changed. According to 13 CFR 124.506(b) SBA may award a sole source 8(a) contract to a Participant concern owned and controlled by an Indian tribe or ANC where the anticipated value of the procurement exceeds the threshold if SBA has not accepted the requirement into the 8(a) BD program as a competitive procurement. There is no requirement that a procurement must be competed for whenever possible before it can be accepted on a sole source basis for a tribally-owned or ANC-owned concern, but a procurement may not be removed from competition to award it to a tribally-owned or ANC-owned concern on a sole source basis.

5. Selma White - Stella's Convenience Store

USDA - Ms. White's store was disqualified from participating in the food stamp program due to "highly unusual/irregular transactions." She states the USDA wrongly accused her of trafficking in food stamps. Ms. White asked to appear in person before the USDA's Administrative Review Officer, but was denied the opportunity. Ms. White alleges a USDA audit failed to address facts that may have lead to a reversal of USDA's initial findings.

6. Allen Gray - Carolinas Association of General Contractors

ICE - Mr. Gray commented on the impact of current policies/regulations for the verification of the immigration status of applicants/employees of AGC member companies. No advance copy of testimony was provided.